

## **EXHIBIT 5**

Generated on: This page was generated by TSDR on 2017-03-31 18:05:18 EDT

Mark: FIZZKIDS

# FIZZKIDS

US Serial Number: 86414168

Application Filing Date: Oct. 03, 2014

Register: Principal

Mark Type: Trademark

TM5 Common Status  
Descriptor:



LIVE/APPLICATION/Opposition Pending

The pending trademark application has been examined by the Office and was published for opposition, at which time one or more oppositions were filed but they have not yet been decided.

**Status:** An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

**Status Date:** Nov. 23, 2015

**Publication Date:** Jul. 28, 2015

## Mark Information

**Mark Literal Elements:** FIZZKIDS

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Toys, namely, figures, action figures, dolls; collectible toys, namely, figures, action figures, and dolls; limited edition toys, namely, figures, action figures, and dolls; cases for play accessories

**International Class(es):** 028 - Primary Class

**U.S Class(es):** 022, 023, 038, 050

**Class Status:** ACTIVE

**Basis:** 1(b)

## Basis Information (Case Level)

<b>Filed Use:</b> No	<b>Currently Use:</b> No	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> Yes	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** TIII Ventures, L.L.C.

**Owner Address:** 10420 Eilerbe Road  
Shreveport, LOUISIANA UNITED STATES 71106

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country LOUISIANA  
Where Organized:**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Tara M. Madison

Docket Number: 23993-3

Attorney Primary Email Address: [tara.madison@keanmiller.com](mailto:tara.madison@keanmiller.com)Attorney Email Yes  
Authorized:**Correspondent**Correspondent Name/Address: TARA M MADISON  
KEAN MILLER LLP  
400 CONVENTION STREET, SUITE 700  
PO BOX 3513  
BATON ROUGE, LOUISIANA UNITED STATES 70802

Phone: 225-387-0999

Fax: 225-388-9133

Correspondent e-mail: [tara.madison@keanmiller.com](mailto:tara.madison@keanmiller.com) [jmailbox@keanmiller.com](mailto:jmailbox@keanmiller.com)  
[tracy.langston@keanmiller.com](mailto:tracy.langston@keanmiller.com)Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

**Prosecution History**

Date	Description	Proceeding Number
Nov. 23, 2015	OPPOSITION INSTITUTED NO. 999999	224974
Aug. 27, 2015	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jul. 28, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 28, 2015	PUBLISHED FOR OPPOSITION	
Jul. 08, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 22, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	70884
Jun. 22, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 18, 2015	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	88889
Jun. 18, 2015	TEAS VOLUNTARY AMENDMENT RECEIVED	
Jun. 17, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 17, 2015	NON-FINAL ACTION E-MAILED	6325
Jun. 17, 2015	NON-FINAL ACTION WRITTEN	88572
May 21, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	70884
May 21, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	70884
May 18, 2015	ASSIGNED TO LIE	70884
May 14, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 29, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 29, 2015	NON-FINAL ACTION E-MAILED	6325
Jan. 29, 2015	NON-FINAL ACTION WRITTEN	88572
Jan. 23, 2015	ASSIGNED TO EXAMINER	88572
Oct. 09, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 07, 2014	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information****TM Staff Information**

TM Attorney: MULCRONE, COLLEEN E

Law Office LAW OFFICE 108  
Assigned:**File Location**

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jun. 22, 2015

**Proceedings****Summary**

Number of 2

## Proceedings:

## Type of Proceeding: Opposition

Proceeding Number: 91224974

Filing Date: Nov 23, 2015

Status: Pending

Status Date: Nov 23, 2015

Interlocutory Attorney: ANDREW P BAXLEY

## Defendant

Name: Till Ventures, L.L.C.

Correspondent TARA M MADISON

Address: KEAN MILLER LLP  
400 CONVENTION STREET, SUITE 700, PO BOX 3513  
BATON ROUGE LA UNITED STATES , 70802

Correspondent e-mail: [tara.madison@keanmiller.com](mailto:tara.madison@keanmiller.com) , [devin.ricci@keanmiller.com](mailto:devin.ricci@keanmiller.com) , [tracey.langston@keanmiller.com](mailto:tracey.langston@keanmiller.com) , [ipmailbox@keanmiller.com](mailto:ipmailbox@keanmiller.com)

## Associated marks

Mark	Application Status	Serial Number	Registration Number
FIZZKIDS	Opposition Pending	<u>86414168</u>	
Plaintiff(s)			

Name: Wizkids/NECA, LLC

Correspondent MICHAEL R FRISCIA

Address: MCCARTER & ENGLISH LLP  
FOUR GATEWAY CENTER, 100 MULBERRY STREET  
NEWARK NJ UNITED STATES , 07102-4056

Correspondent e-mail: [mfriscia@mccarter.com](mailto:mfriscia@mccarter.com) , [crodrigue@mccarter.com](mailto:crodrigue@mccarter.com) , [dpopovic@mccarter.com](mailto:dpopovic@mccarter.com) , [kgarrone@mccarter.com](mailto:kgarrone@mccarter.com)

## Associated marks

Mark	Application Status	Serial Number	Registration Number
WIZKIDS	Renewed	<u>76223153</u>	<u>2785361</u>
WIZKIDS	Renewed	<u>76439442</u>	<u>2758469</u>
WIZKIDS SPRINGBOARD	Abandoned - No Statement Of Use Filed	<u>86229060</u>	

## Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 23, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 23, 2015	Jan 02, 2016
3	PENDING, INSTITUTED	Nov 23, 2015	
4	ANSWER	Jan 04, 2016	
5	STIPULATED PROTECTIVE ORDER	Feb 29, 2016	
6	STIP NOTED AND APPROVED	Mar 02, 2016	
7	P MOT FOR EXT W/ CONSENT	Oct 19, 2016	
8	EXTENSION OF TIME GRANTED	Oct 19, 2016	
9	P NOTICE OF RELIANCE	Dec 12, 2016	
10	P NOTICE OF RELIANCE	Dec 12, 2016	
11	Confidential Plaintiff's Supporting Evidents/Exhibits	Dec 12, 2016	
12	D PRETRIAL DISCLOSURES	Dec 27, 2016	
13	P TESTIMONY	Jan 26, 2017	
14	Confidential Testimony For Plaintiff	Jan 26, 2017	
15	D NOTICE OF RELIANCE	Feb 09, 2017	
16	Confidential Defendant's Notice of Reliance	Feb 09, 2017	
17	P MOT TO STRIKE NOTICE OF RELIANCE	Mar 09, 2017	
18	SUSP PEND DISP OF OUTSTNDNG MOT	Mar 13, 2017	
19	D OPP/RESP TO MOTION	Mar 24, 2017	

## Type of Proceeding: Extension of Time

Proceeding Number: 86414168

Filing Date: Aug 27, 2015

Status: Terminated

Status Date: Nov 25, 2015

Interlocutory  
Attorney:

Defendant

Name: TIII Ventures, L.L.C.

Correspondent TARA M. MADISON  
Address: KEAN MILLER LLP  
PO BOX 3513  
BATON ROUGE LA , 70821-3513

## Associated marks

Mark	Application Status	Serial Number	Registration Number
FIZZKIDS	Opposition Pending	<u>86414168</u>	
Potential Opposer(s)			

Name: Wizkids/NECA, LLC

Correspondent Michael R. Friscia  
Address: McCarter & English, LLP  
Four Gateway Center, 100 Mulberry Street  
Newark NJ UNITED STATES , 07102-4056Correspondent e-mail: [mfriscia@mccarter.com](mailto:mfriscia@mccarter.com) , [dpopovic@mccarter.com](mailto:dpopovic@mccarter.com)

## Associated marks

Mark	Application Status	Serial Number	Registration Number
------	--------------------	---------------	---------------------

## Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Aug 27, 2015	
2	EXTENSION OF TIME GRANTED	Aug 27, 2015	